

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)		
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Broadcast Localism)	MB 04-233	
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To the Commission:

**Comments of Nickolaus E. Leggett, N3NL
Amateur Radio Operator**

I am one of the original petitioners for the establishment of the Low Power FM (LPFM) radio broadcasting service (RM-9208 July 7, 1997 subsequently included in MM Docket 99-25). I am also a certified electronics technician (ISCET and NARTE) and an Extra Class amateur radio operator (call sign N3NL). I have a Master of Arts degree in Political Science from the Johns Hopkins University. I am an inventor holding three United States patents. My latest patent is a wireless bus for digital devices (U.S. Patent No. 6,771,935 issued on August 3, 2004).

My comments discuss the planned schedule of public comments for the final conclusion of the localism issue and the basic politics of localism.

Authorization to Submit Written Comments

The Commission's announcement of the hearings in Washington, D.C. on localism specifically authorized members of the public to file written comments to this docket. I am filing these comments under this authorization.

A Proper Public Comment Period for the Localism Issue

The American public is strongly interested in the localism in broadcasting issue. The public has submitted numerous comments over the years on this subject. The reported planned final 30-day comment period is too short for this vital issue that is basic to American democracy.

A longer public comment period is needed because of the complexity of the issue and the need to draw together conclusions based on the record developed so far. For example, I proposed in my previous comments that the Commission take up seven detailed steps in order to increase localism in broadcasting. (These are listed in this document.) This is a total of seven complex subjects from one source. There are thousands of individuals and organizations commenting and contributing to this basic issue with their own recommendations.

A 90-day public comment period should be provided to provide adequate time for the public to submit final comments on the localism issue.

No Need to Rush

There is no need to rush to a conclusion on the broadcast localism issue. Indeed, any rush would increase suspicions that the decision is being railroaded to a conclusion that may not match the preferences of the American people.

Open Access Supports Legitimacy

The American broadcasting system must be open to individuals and small organizations in order to be legitimate. This is the same legitimacy that applies to the print media where anyone can write, publish, and distribute printed material.

A system that is limited to just a few huge monopoly suppliers of news, information, and entertainment raises the important question: why can't I have my own radio or television broadcast station? Why is that right restricted to only the wealthiest organizations?

In the past, such restrictive monopolies were supported by the shortage of available broadcast frequencies. Now with the modern technology of millimeter wave transmission, the shortage is becoming obsolete and the monopolies are no longer legitimate.

The Issue Will Not Go Away

If more rights and power are granted to the largest media organizations, the issue of localism will only increase in intensity and scope. Americans believe that democracy is for everyone and everyone has a right to speak. This is the concept of the marketplace of ideas where all types of ideas compete and the better ideas are successful.

If the marketplace of ideas is restricted to only the wealthiest organizations by means of the mechanism of license auctions, then new political movements with unusual ideologies will arise to constrain the dominance of American media by huge organizations. These organizations

will ask again and again: why can't I have my own radio or television broadcast station? I can have my own printing press or my own newspaper. So why can't I have my own broadcast station? Transmission of radio waves (electromagnetic waves) is a simple process and there is no physical barrier to very numerous radio stations in any location.

Proposed Specific Steps to Increase Localism in Broadcasting

The Commission should take some or all of the following steps to increase localism in broadcasting:

1. The Commission should issue a Notice of Proposed Rulemaking (NPRM) proposing the establishment of a low power AM (LPAM) radio broadcasting service. This service would provide additional broadcast opportunities to residents of underprivileged areas of the Nation. Refer to Docket **RM-11287** for detailed discussion of this proposed new service.
2. The Commission should open a filing window for LP-10 low power FM (LPFM) radio broadcasting stations. The regulatory structure already exists for this step. LP-10 stations are especially low power stations (10 Watts) that can be fit into the spectrum where LP-100 (100 Watt) stations cannot be accommodated.
3. The Commission should issue a Notice of Inquiry (NOI) on the prospects for operating neighborhood broadcasting services in

the millimeter and light wave frequencies. The use of the lighthouse protocol proposed by Nickolaus E. Leggett, N3NL, can be examined in this docket. The millimeter waves and light waves offer a huge amount of spectrum space that can accommodate thousands of broadcast channels within each community. This could provide a “right to broadcast” which is as robust as the current right to publish paper documents.

4. The Commission should issue an advisory opinion recommending a more reasonable royalty system for the broadcast of music on the Internet as well as other broadcast media.
5. The Commission should issue a NOI on the Constitutionality of license auctions and their impacts on the rights of those individuals and organizations that are not rich. It is clear that license auctions work directly against localism.
6. The Commission should issue a NOI to examine the establishment of an Experimenters’ Radio Service where individual inventors and experimenters could develop and test new broadcast radio technologies. This service would be oriented towards the independent inventor and experimenter.

7. The Commission should issue an NPRM establishing a higher power limit for Part 15 transmissions within the AM broadcast band.

Respectfully submitted,

Nickolaus E. Leggett

**N3NL Amateur Radio Operator
1432 Northgate Square, #2A
Reston, VA 20190-3748
(703) 709-0752**

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